

EXHIBIT U

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: ORAL PHENYLEPHRINE
MARKETING AND SALES PRACTICES
LITIGATION

Case No. 23-md-3089-BMC

Judge Brian M. Cogan

This document relates to: All Actions

**Declaration of Laura S. Dunning
for Appointment to Plaintiffs' Executive Committee**

I respectfully submit this declaration in support of my proposed appointment to the Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed Co-Leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I, Laura Sherling Dunning, am a shareholder at Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, Mougey, P.A. Our firm was formed in 1955 and is currently composed of 47 lawyers, most of whom focus their practice on complex and mass tort litigation.

2. I graduated *cum laude* from Rhodes College in 2002 with a Bachelor of Arts in English Literature and received my juris doctor from the University of Alabama School of Law in 2005. I am a member in good standing of the Alabama State Bar and have been admitted to practice before numerous federal courts.

3. Most recently, in the *In re: National Prescription Opiate Litigation* (MDL 2804), I have served as a national co-lead of the Law and Briefing Committee, a national co-lead of the ESI Logistics Committee, a co-chair of discovery as to the Defendant Walgreens, and as counsel to two bellwether Plaintiffs. I simultaneously served in parallel roles in multiple state court opioid cases. During the opioid litigation, I was also an active member of the teams which took five cases to trial.

4. My practice focuses on complex litigation. I have nearly 20 years of experience successfully litigating complex, high-profile cases including pharmaceutical litigation, financial fraud, corporate misconduct, business torts, and securities fraud. I have represented hundreds of governmental entities, including states, cities, counties, pension plans, public utilities, and hospitals, in addition to more than 1,000 individual fraud victims, and have served as counsel in both class and derivative actions. My work on complex cases has helped lead to the recovery of nearly \$60 billion for plaintiffs.

5. I am both willing and able to commit myself to this litigation on a nearly full-time basis. I am fortunate to work at a firm that enables its attorneys to focus primarily, and often exclusively, on a single litigation at a time. If I am so honored to be appointed to the PEC in this

MDL, I can assure this Court that this litigation will be the primary focus of my practice until its resolution.

6. As shown above, I have a wealth of experience working on large scale litigation with teams of attorneys from other firms. I fully appreciate the necessity and importance of working collaboratively and cooperatively with fellow plaintiffs' counsel and opposing counsel. To this end, I firmly believe my colleagues and peers would attest to my record of cooperation.

7. Most of my legal experience in the last six years has come from work on pharmaceutical litigation. I am well versed in legal brief writing, all manner of discovery, collaborative work with medical and financial experts, and all phases of trial.

8. During my legal career, I have experienced the benefits of diverse leadership. Significantly women comprise half of new shareholders named at my firm in the last three years. Despite improvement in recent years, women remain statistically underrepresented in new leadership appointments in national litigation. Furthermore, I have observed that most leadership appointments derive from firms located in large cities, primarily those in the northeast. As a woman whose practice is based in the southeastern United States, I will bring a strong viewpoint and necessary skillset to this national litigation.

9. Presently, my firm has filed two phenylephrine cases: *Darrell Wayne Grimsley, Jr. v. Reckitt Benkiser, LLC* (ND FL 3:23-cv-24588) and *Joy Taylor v. Proctor & Gamble Company* (ND CA 3:23-cv-04909). I also represent more than 1,000 additional people who have suffered phenylephrine-related injuries and for whom I anticipate filing future related cases, including persons from nearly all the fifty states.

10. Levin Papantonio Rafferty possesses the necessary capital, financial and otherwise, to substantially contribute funding, time, and all other resources required to manage a complex action such as this one. My firm has been litigating personal injury and product liability cases since its inception in 1955. In addition to 47 full-time attorneys, we have more than 150 staff members. Levin Papantonio has further held leadership positions in more than 80 complex litigation proceedings in federal court. *See Exhibit A.*

11. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

I declare under penalty of perjury under the laws of the United States

/s/ Laura S. Dunning

Laura S. Dunning

EXHIBIT 1

**Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, Mougey, P.A.
Federal Court Leadership Appointments**

MDL Leadership Appointments by Federal Courts

In re Abbott Labs., et al. Preterm Infant Baby Formula Nutrition Prods. Liab. Litig.; MDL 3026 (D. Nev.) (Plaintiffs' Co-Lead Counsel)

In re 3m Combat Arms Earplug Prods. Liab. Litig.; MDL 2885 (N.D. Fla.) (Plaintiffs' Co-Liaison Counsel)

In re Abilify (Aripiprazole) Prods. Liab. Litig.; MDL 2734 (N.D. Fla.) (Plaintiffs' Executive Committee)

In re Accutane Prods. Liab. Litig.; MDL 1626 (M.D. Fla.) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee)

In re Actos Prods. Liab. Litig.; MDL 2299 (W.D. La.) (Plaintiffs' Steering Committee)

In re Allergan Biocell Textured Breast Implant Prods. Liab. Litig.; MDL 2921 (D.N.J.) (Co-Lead Counsel)

In re America Online, Inc., Version 6.0 Software Litig., MDL 1412 (N.D. Ill.) (Co-Lead Counsel)

In re American Medical Systems, Inc., Pelvic Repair System Prods. Liab. Litig.; MDL 2325 (S.D.W.Va.) (Plaintiffs' Steering Committee)

In re Amtrak "Sunset Limited" Train Crash in Bayou Canot, Alabama on September 22, 1993; MDL 1003 (S.D. Ala.) (Plaintiffs' Steering Committee; Liaison Counsel; Electronic Document Repository; Research Committee)

In re ARC Airbags Inflators Prods. Liab. Litig.; MDL No. 3051 (N.D. Ga.) (Co-Lead Counsel)

In re Aqueous Film-Forming Foams Prods. Liab. Litig.; MDL 2873 (D.S.C.) (Plaintiffs' Executive Committee)

In re Bair Hugger Forced Air Warming Devices Prods. Liab. Litig., MDL 2666 (D. Minn.) (Co-Lead Counsel)

In re Bard IVC Filters Prods. Liab. Litig., MDL 2641 (D. Ariz.) (Plaintiffs' Steering Committee)

In re Benicar (Olmesartan) Prods. Liab. Litig., MDL 2606 (D.N.J.) (Plaintiffs' Executive Committee)

In re Bextra and Celebrex Marketing Sales Practices and Prods. Liab. Litig.; MDL 1699 (N.D. Cal.) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee; Science Committee)

In re Boston Scientific, Inc. Pelvic Repair Systems Prods. Liab. Litig.; MDL 2326 (S.D.W.Va.) (Plaintiffs' Steering Committee)

In re Breast Implant Prods. Liab. Litig.; MDL 926 (D.C. Ala.) (Florida Liaison Counsel)

In re Camp Lejeune Water Litigation; No. 7:23-cv-897 (E.D.N.C.) (Plaintiffs' Executive Committee)

In re Chinese Drywall Prods. Liab. Litig.; MDL 2047 (E.D. La.) (Plaintiffs' Steering Committee; Science Committee)

In re Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Prods. Liab. Litig.; MDL 2570 (S.D. Ind.) (Plaintiffs' Steering Committee, Plaintiffs' Discovery Liaison & Bellwether Trial Counsel)

In re Covidien Hernia Mesh Prods. Liab. Litig. No. II; MDL 3029 (D. Mass.) (Plaintiffs' Co-Lead Counsel)

In re Davol, Inc./C.R. Bard, Inc., Polypropylene Hernia Mesh Prods. Liab. Litig.; MDL 2846 (S.D. Ohio) (Co-Lead Counsel, Co-Chair Discovery Committee)

In re Deepwater Horizon (BP) Oil Spill in the Gulf; MDL 2179 (E.D. La.) (Plaintiffs' Executive Committee)

In re Deere & Company Repair Services Antitrust Litig.; MDL 3030 (N.D. Ill.) (Plaintiffs' Steering Committee)

In re DePuy Orthopaedics, Inc., ASR Hip Implant Prods. Liab. Litig.; MDL 2197 (N.D. Ohio) (Plaintiffs' Executive Committee)

In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Prods. Liab. Litig.; MDL 1203 (E.D. Pa.) (Plaintiffs' Management Committee; Discovery Committee; Science/Expert Committee)

In re Digitek Prods. Liab. Litig.; MDL 1968 (S.D.W.Va.) (Plaintiffs' Steering Committee)

In re Dominion Dental Services USA, Inc. Data Breach Litig., (E.D. Va.) (Plaintiffs' Steering Committee)

In re E.I. Du Pont De Nemours & Co. C-8 Personal Injury Litig.; MDL 2433 (S.D. Ohio) (Plaintiffs' Steering Committee)

In re Elmiron (Pentosan Polysulfate Sodium) Prods. Liab. Litig.; MDL 2973 (D.N.J.) (Plaintiffs' Executive Committee; Chair of Discovery Committee)

In re Ethicon, Inc. Pelvic Repair Systems Prods. Liab. Litig.; MDL 2327 (S.D.W. Va.) (Plaintiffs' Steering Committee)

In re Exactech Polyethylene Orthopedic Prods. Liab. Litig.; MDL 3044 (E.D.N.Y.) (Plaintiffs' Steering Committee)

In re Factor VIII or IX Concentrate Blood Prods. Prods. Liab. Litig.; MDL 986 (N.D. Ill.) (Plaintiffs' Steering Committee; Settlement Committee; Chair, Document Depository)

In re Fosamax (Alendronate Sodium) Prods. Liab. Litig. (No. II); MDL 2243 (D.N.J.) (Plaintiffs' Steering Committee)

In re Fosamax Prods. Liab. Litig.; MDL 1789 (S.D.N.Y.) (Plaintiffs' Lead Counsel)

In re Fresenius GranuFlo/ Naturalyte Dialysate Prods. Liab. Litig.; MDL 2428 (D. Mass.) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee; Science Committee; Bellwether Committee)

In re Gadolinium Based Contrast Agents; Prods. Liab. Litig.; MDL 1909 (N.D. Ohio) (Plaintiffs' Co-Lead Counsel)

In re Guidant Defibrillators Prods. Liab. Litig.; MDL 1708 (D. Minn.) (Plaintiffs' Steering Committee; Discovery Committee; Trial Team Committee)

In re Hair Relaxer Marketing, Sales Practices, and Prods. Liab. Litig.; MDL 3060 (N.D. Ill.) (Plaintiffs' Executive Committee)

In re Heparin Prods. Liab. Litig.; MDL 1953 (N.D. Ohio) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee)

In re High Sulfur Content Gasoline Prods. Liab. Litig.; MDL 1632 (E.D. La.) (Plaintiffs' Steering Committee; Co-Chair, Trial Committee)

In re Insulin Pricing Litigation; MDL 3080 (D.N.J.) (Plaintiffs' Co-Lead Counsel)

In re Invokana (Canagliflozin) Prods. Liab. Litig.; MDL 2750 (D.N.J.) (Plaintiffs' Executive Committee)

In re Johnson & Johnson Talcum Powder Prods. Marketing, Sales Practices & Prods. Liab. Litig.; MDL 2738 (D.N.J.) (Plaintiff's Steering Committee)

In re JUUL Labs, Inc. Prods. Marketing, Sales Practices & Prods. Liab. Litig.; MDL 2913 (N.D. Cal.) (Plaintiff's Steering Committee; Co-Chair, Discovery Committee)

In re Katrina Canal Breaches Consolidated Litig., No. 05-4182 (E.D. La.) (Plaintiffs' Leadership Committee & Bellwether Trial Counsel)

In re Medtronic, Inc., Implantable Defibrillators Prods. Liab. Litig.; MDL 1726 (D. Minn.) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee)

In re National Prescription Opiate Litigation; MDL 2804 (N.D. Ohio) (Plaintiffs' Executive Committee; Liaison Counsel; Law & Briefing Committee; ESI Logistics Committee; Discovery Committees)

In re Ortho Evra Prods. Liab. Litig.; MDL 1742 (N.D. Ohio) (Plaintiffs' Steering Committee)

In re Paraquat Prods. Liab. Litig.; MDL 3004 (S.D. Ill.) (Plaintiffs' Co-Lead, Liaison, and Executive Committee)

In re Phenylpropanolamine (PPA) Prods. Liab. Litig.; MDL 1407 (W.D. Wash.) (Plaintiffs' Steering Committee; Discovery Committee)

In re Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Prods. Litig.; MDL 3014 (W.D. Pa.) (Plaintiffs' Steering Committee; Science and Expert Committee)

In re Pradaxa (Dabigatran Etxilate) Prods. Liab. Litig.; MDL 2385 (S.D. Ill.) (Plaintiffs' Executive Committee; Science Committee)

In re Propulsid Prods. Liab. Litig.; MDL 1355 (E.D. La.) (Plaintiffs' Executive Committee; Co-Chair, Discovery Committee; Science/Expert Witness Committee)

In re Proton-Pump Inhibitor Prods. Liab. Litig.; MDL 2789 (D.N.J.) (Plaintiffs' Executive Committee)

In re Rezulin Prods. Liab. Litig.; MDL 1348 (S.D.N.Y.) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee; Science Committee)

In re Santa Fe Natural Tobacco Co. Marketing and Sales Practices Litig., MDL 2695 (D.N.M.) (Plaintiffs' Executive Committee & Plaintiffs' Oversight Committee)

In re Social Media Adolescent Addiction/Personal Injury Prods. Liab. Litig., MDL 3047(N.D. Cal.) (Plaintiffs' Steering Committee)

In re Sorin 3T Heater-Cooler Systems Prods. Liab. Litig.; MDL 2816 (M.D. Pa.) (Plaintiffs' Executive Committee)

In re Stryker Rejuvenate and ABG II Hip Implant Prods. Liab. Litig.; MDL 2241 (D. Minn.) (Plaintiffs' Lead Counsel Committee)

In re Taxotere (Docetaxel) Prods. Liab. Litig.; MDL 2740 (E.D. La.) (Plaintiffs' Settlement Committee)

In re Tepezza Marketing, Sales Practices, and Prods. Liab. Litig.; MDL 3079 (E.D. Ill.) (Plaintiffs' Executive Committee)

In re Testosterone Replacement Therapy Prods. Liab. Litig.; MDL 2545 (N.D. Ill.) (Plaintiffs' Executive Committee)

In re Trasylol Prods. Liab. Litig.; MDL 1928 (S.D. Fla.) (Plaintiffs' Steering Committee)

In re Valsartan Prods. Liab. Litig.; MDL 2875 (D.N.J.) (Co-Lead Counsel)

In re Vioxx Prods. Liab. Litig.; MDL 1657 (E.D. La.) (Co-Chair, Discovery Committee; Science Committee)

In re Welding Fume Prods. Liab. Litig.; MDL 1535 (N.D. Ohio) (Plaintiffs' Executive Committee; Co-Chair, Discovery Committee)

In re Xarelto (Rivaroxaban) Prods. Liab. Litig.; MDL 2592 (E.D. La.) (Co-Lead Counsel, Co-Chair-Science Committee)

In re Yamaha Motor Corp. Rhino ATV Prods. Liab. Litig.; MDL 2016 (W.D. Ky.) (Plaintiff Executive Committee)

In re Yasmin & Yaz (Drospirenone) Marketing, Sales, and Prods. Liab. Litig.; MDL 2100 (S.D. Ill.) (Plaintiffs' Steering Committee, Discovery Committee (Co-Chair), Bellwether Trial Team)

In re Zantac (Ranitidine) Prods. Liab. Litig.; MDL 2924 (S.D. Fla.) (Plaintiffs' Steering Committee; Chair, Science & Experts Committee)

In re Zyprexa Prods. Liab. Litig.; MDL 1596 (E.D.N.Y.) (Plaintiffs' Steering Committee)

Federal Class Counsel Appointments

Bon Secour Fisheries, Inc. v. BP Exploration & Production, Inc., No. 12-970 (E.D. La.) (Class Counsel)

Cardoza v. Bloomin' Brands, Inc., No. 2:13-cv-1820 (D. Nev.) (Class Counsel)

Gress v. Freedom Mortgage Corp., No. 1:19-cv-00375-JEJ (W.D. Pa.) (Class Counsel)

Hardwick v. 3M Co., No. 2:18-cv-1185 (S.D. Ohio) (Class Counsel)

In re Allura Fiber Cement Siding Prods. Liab. Litig.; MDL 2886 (D.S.C.) (Class Counsel)

In re Blue Cross Blue Shield Antitrust Litig.; MDL 2406 (N.D. Ala.) (Co-Chair, Class Certification Committee, State Liaison Committee)

In re Cisco Systems, Inc., Securities & Derivative Litig.; MDL 1527 (N.D. Cal.) (Class Counsel)

In re Consolidated Class Actions against CSX Railroad; No. 7:18-cv169-BO (E.D.N.C.) (Plaintiffs' Steering Committee)

Plaisance v. BP Exploration & Production, Inc., No. 12-968 (E.D. La.) (Class Counsel)

Sher v. Raytheon Corp., No. 8:08-cv-889 (M.D. Fla.) (Class Counsel)

Stanley v. Direct Energy Services, LLC, No. 7:19-cv-03759-KMK (S.D.N.Y.) (Class Counsel)

Stevens v. Britax Child Safety, Inc., No. 2:20-cv-07373 (C.D. Cal.) (Class Counsel)

Williams v. Reckitt Benckiser, No. 20-23564-CIV-COOKE/GOODMAN (S.D. Fla.) (Class Counsel)